

ATTACHMENT 12

MOTION FOR POST CONVICTION COLLATERAL RELIEF

COMMONWEALTH OF PENNSYLVANIA VS	COURT AND DOCKET NUMBERS
<u>BRUCE MURRAY</u> (Name of Defendant)	RECEIVED FEB 03 2006 82/No. 1109-1114 PCRA UNIT To be filled in by Clerk of Court

Graterford AY-2900

NOTE: List below those informations or indictments & offenses for which you have not completed your sentence.

INFORMATION OR INDICTMENT NUMBERS:

CP# 8211 110911
PP# 0543983

I WAS CONVICTED OF THE FOLLOWING CRIMES:

By a jury on June 24, 1983 of second degree murder, robbery (F1)
conspiracy.

CP-51-CR-1111091-1982 Comm. v. Murray, Bruce
Post-Conviction Relief Act Petition Filed



ORIGINAL

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02 15
000-394806
\$ 04.20⁰⁰
FEB 02 2006
MAILED FROM ZIP CODE 19426

1. MY NAME IS:

Bruce Murray

2. I AM NOW

- (a) ☐ On Parole (b) ☐ On Probation (c) ☒ Confined in SCI. Graterford
(d) ☐ Residing at _____

3. I WAS SENTENCED ON April 23, 1984, 2 Life TO A TOTAL TERM
OF _____, COMMENCING ON _____, 2 _____ BY
JUDGE(S) David Savitt

FOLLOWING A: ☒ Trial by jury ☐ Plea of Guilty
 ☐ Trial by a judge without a jury ☐ Plea of nolo contendere
I am ☐ Serving ☐ Waiting to serve The Sentence Imposed

4. I AM ELIGIBLE FOR RELIEF BECAUSE OF:

- ☒ (I) A violation of the Constitution of this Commonwealth or the Constitution or laws of the United States which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.
- ☒ (II) Ineffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.
- ☒ (III) A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent.
- ☒ (IV) The improper obstruction by government officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court.
- ☒ (V) The unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced.
- ☐ (VI) The imposition of a sentence greater than the lawful maximum.
- ☐ (VII) A proceeding in a tribunal without jurisdiction.

5. THE FACTS IN SUPPORT OF THE ALLEGED ERROR(S) UPON WHICH THIS MOTION IS BASES ARE AS FOLLOWS:

(A) In the instance case, the exculpatory evidence found was due in large measure to the fact that the Commonwealth's key eye witness Gregory Strickland was a juvenile and was not available to defense to be question. The Newly Discovered exculpatory evidence provided by the eye witness suppressed because he didn't place Appellant at the scene Appellant was prejudice by the suppression of this evidence and the Commonwealth deceived the court and jury with the perjured testimony of Douglas Haughton. And by other Fraudulent meansd which constitute Govermental Interference.

Claim #2. In the instant case, petitioner previously argued that he was denied a fair trial because of the Commonwealth's use of its peremptory challenges in a racially discriminatory manner which violated his rights to a fair trial. Petitioner presented his claim in State Court but was subsequently denied because the Superior Court decided that trial counsel could not predict changes in the law and Petitioner could not benefit from Batson v. Kentucky 106 S.Ct.1712 (1986). On January 18, 2006 Attorney Angus Love-Esq. issued a memorandum disclosing statements and documents from the Philadelphia District Attorney's office actually engaged in and executed a policy of discrimination against African-Americans from service on petitioners jury and such a policy was in place and executed against petitioner at the time of his trial.

(B) The following facts were made known to me by means other than my own personal knowledge

This evidence was sent to me by a religious group and an Attorney have sent me other supporting documents to show how the perjured testimony was obtained.

Claim #2. Was made know to me by Angus Love- Esq. on January 18, 2006.

(C) In the event my appeal is allowed as requested under #4, the following are the matters which I intend to assert on that appeal Governmental Interference with my right to a fair trial because the D.A. Office along with Detectives falsified documents/Newly Discovered Evidence.

Claim 2. Governmental Interference with my right to a fair trial because the Phila; D.A. Office deliberately excluded African-Americans from my jury.

6. SUPPORTING EXHIBITS

(A) In support of this motion I have attached as exhibits:

- | | |
|--|------------------------|
| <input checked="" type="checkbox"/> Affidavits | [Exhibit(s) No. _____] |
| <input checked="" type="checkbox"/> Records | [Exhibit(s) No. _____] |
| <input type="checkbox"/> Other Supporting Evidence | [Exhibit(s) No. _____] |

(B) I have not attached any affidavits, records or other supporting evidence because

7. I HAVE TAKEN THE FOLLOWING ACTION(S) TO SECURE RELIEF FROM MY CONVICTION(S) OR SENTENCE(S):

(A) Direct Appeal

(IF "YES," name the court(s) to which appeal(s) was/were taken, date, term and number, and result.)

☒ YES ☐ NO

NOV. 1, 1988 Superior Ct. affirmed. Allowance of appeal was

denied by Supreme Ct. Nov. 26, 1986. Pro se Petition on Dec.

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30 1986 P.C.H.A. denied Feb. 6, 1996. Nov. 13, 1996 Superior

Ct. denied Nov. 10, 1997 Allocatur denied. Nov. 5 1998

(B) Previous proceedings in the courts of the Commonwealth of Pennsylvania

☒ YES ☐ NO

(IF "YES," name the type of proceedings (such as habeas corpus, etc.) – including former proceedings under the Post Conviction Hearing Act the Court(s) in which petition(s) was/were filed, date, term and number, and result, including all appeals.)

Nov. 5 1998 filed Hebea Corpus No. 98-5866 On Sept. 9 1999 Recom-

mended a hearing. Jan. 30 2000 A. Brody denied Procedurally Default.

(C) Habeas Corpus or other petitions in Federal Courts

☒ YES ☐ NO

(IF "YES," name the district in which petition(s) was/were filed, date(s), Court Number – civil action or miscellaneous, and result, including all appeals.)

Stated above

(D) Other legal proceedings

☒ YES ☐ NO

(IF "YES," give complete details – type of action, court in which filed, date, term and number, and result, including all appeals.)

C.O.A. Pending in District Ct. No. 05-2899

Governmental Interference come's by way of Det. Larry Gerrard charging me case No.82-4717 Bruce Murray with Narcotics which if never had in the roundhouse. I was found guilty of Narcotics. I Appealed and New Trial Granted at which time I was found not guilty and showed Det. Gerrard lied which constituted fraud. Exhibit #1. Details of Complaint.

Gregorey Stricklands statement supporting all evidence that I am Actual Innocent of the crime and that Det. Gerrard showed him pictures of Bruce Murray and told him to say Bruce Murray did the crime. Exhibit #2.

Douglas Haughton Investigation Interview supporting that Douglas was in the house and that Dap (G. Strickland) called his name as he was walking away, he was coming from the cellar when Goug was walking out the house. Exhibit #3.

Douglas Haughton Affidavit showing Governmental Interference by Det. Gerrard bulling and insisting that he sign a statement naming Bruce Murray. This Affidavit Supports my Actual Innocents of the Crime. Exhibit #4.

Haughtons testimony was corroborated by Eugene Thomas who testified he was Haughton cellmate and he confided in him says he lied on a someone from his area. Exhibit #5. taken from P.C.H.A. hearing, which includes Tyrones Wesson testimony that had he was allowed to take the stand he could have cleared Bruce Murray and Gregory Holden of the crime.

Daily News Investigation on Det. Larry Gerrard supporting my claim of Fraud by Det. Gerrard's pattern of using Fraudulent mean's to win a false conviction Exhibit #6.

All this evidence was given to the District Attorney's Office and Trial Judge by way of Certified Mail in Oct. 2005.

8. FOLLOWING MY ARREST, I WAS REPRESENTED BY THE FOLLOWING LAWYER(S): (Give the lawyer's name and the proceeding at which he/she represented you.)

Pamela Pryor Cohen at trial, Post Verdict Motion Superior
Ct. and Supreme Ct.

9. I PREVIOUSLY CHALLENGED MY CONVICTION IN THE FOLLOWING COURTS:

Court	Caption	Term Number	Attorney	Relief Requested
Common Pleas	No.1109	1982	Pamela Cohen	New
trial				

10. THE ISSUES WHICH I HAVE RAISED IN THIS MOTION HAVE NOT BEEN PREVIOUSLY LITIGATED OR ONE OF THE FOLLOWING APPLIES:

- ☒ (I) The allegation of error has not been waived.
- ☐ (II) If the allegation of error has been waived, the alleged error has resulted in the conviction or affirmation of sentence of an innocent individual.

The failure to litigate this issue(s) prior to or during trial or on direct appeal could not have been the result of any rational, strategic, or tactical decision by counsel.

11. BECAUSE OF THE FOREGOING REASONS, THE RELIEF WHICH I DESIRE IS:

- (A) ☒ Release from custody and discharge
- (B) ☒ A new trial
- (C) ☐ Correction of Sentence
- (D) ☐ Other Relief (Specify): _____

12. I request an evidentiary hearing. I certify, subject to the penalties for unsworn falsification to authorities set forth at 18 Pa.C.S. § 4904, that the following persons will testify to the matters stated. I have attached to this petition all documents material to the witness' testimony.

Witness Name: Gregory Strickland

Witness Address:

Witness Date of Birth:

Witness Testimony: His testimony would support the D.A. key witness and Tyrone Wesson Statement that I am actual innocent of this crime.

Witness Name:

Witness Address:

Witness Date of Birth:

Witness Testimony:

Witness Name:

Witness Address:

Witness Date of Birth:

Witness Testimony:

Witness Name:

Witness Address:

Witness Date of Birth:

Witness Testimony:

13. Based upon the exceptional circumstances set forth below, I request that the District Attorney produce the following documents:

Grand Jury Transcripts, 2 Judges order with signature for my conviction and judges finding of facts and conclusion of law. 3. County and State Commitment Orders. 4. Sentencing Transcripts. 5. Complete copy of Docket Sheet. 6. Power of Attorney Contract. 7. Information Charge. 8. Robert Maranos hand written notes during jury selection/all.

14. I ask that the Court consider the following argument, citation and discussion of authorities:

Due Process Violation to fair trial by way Swaine-Batson claim,
Newly Discovered evidence by way of D.A.'s Office had a policy
of Discrimination against African-Americans from Serving on
the Jury.

Due Process Violation to fair trial by way of Governmental
Interference by way of records/document i.e. intrinsic, extrinsic
collateral, constructive fraud was committed against Bruce
Murray by way of a manufactured false/fraud charge counts
1110,1112,1113, 1109 placed within said information charges
therefore committing fraud upon the court as well as false

15.

(A) I am ☐ ABLE ☒ NOT ABLE to pay the cost of this proceeding.

I have \$ not money in my prison account.

(B) My other financial resources are:

16. (A) ☒ I do not have a lawyer and I am without financial resources or otherwise unable to obtain a lawyer.

(1) ☒ I request the court to appoint a lawyer to represent me.

(2) ☐ I do not want a lawyer to represent me.

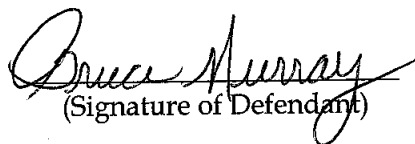
(B) ☐ I am represented by a lawyer. (Give name and address of your lawyer.)


(Signature of Defendant)

UNSWORN DECLARATION

I, Bruce Murray do hereby verify that
the facts set forth in the above motion are true and correct
to the best of my personal knowledge or information and
belief, and that any false statements herein are made sub-
ject to the penalties of Section 4904 of the Crimes Code
(18 Pa. C.S. § 4904), relating to unsworn falsification to
authorities.

No Notary
Required


(Signature of Defendant)

COMMONWEALTH OF PENNSYLVANIA VS <u>Bruce Murray</u> (Name of Defendant)	IN THE CRIMINAL COURTS OF THE COUNTY OF <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Criminal Action No. _____ of _____ 2 _____
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ORDER

AND NOW this _____ day of _____, 2____ Upon consideration of the foregoing motion:

1. ☐ The motion is returned to defendant for amendment as follows, such amendment to be made on or before _____, 2_____

2. ☐ A rule is granted upon the Commonwealth of Pennsylvania to show cause why a hearing should not be granted. The rule is returnable on or before _____ 2_____

3. ☐ The request to proceed as a poor person, without the payment to costs, is ☐ granted ☐ denied.

4. ☐ Upon finding that defendant is unable to obtain a lawyer _____ Esq., is appointed to represent him/her.

5. ☐ The Clerk of Court is ordered and directed to do the following forthwith:

- (a) To serve a copy of this motion and this order upon the District Attorney of _____ County.
- (b) To send a copy of this motion and this order to _____ Esq., the lawyer for the defendant.
- (c) To send a copy of this order to the defendant.

6. ☐